

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

ROBERT E. ("BOB") GIVEN  
d/b/a R.J.R. PAINTING,

Plaintiff,

v.

No. 05-2136 B

R & R MANAGEMENT, LLC,

Defendant.

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ORDER GRANTING DEFENDANT'S MOTION FOR RECONSIDERATION,  
VACATING ORDER REFERRING TO MAGISTRATE JUDGE FOR HEARING ON  
DAMAGES AND PERMITTING DEFENDANT TO FILE ANSWER

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On March 3, 2006, this Court adopted in part the December 7, 2005 report and recommendation entered by the magistrate judge, as supplemented on December 29, 2005, with respect to the motion of the Defendant, R & R Management, Inc., to set aside default judgment entered against it on July 5, 2005. Therefore, the Court set aside the default judgment, further ordering that, "since the Defendant has not requested that the default itself be set aside, this matter is hereby REFERRED to the magistrate judge for a hearing on damages." (Order Adopting In Part Report And Recommendation, Setting Aside Default J., And Referring To Magistrate Judge For Hrg. On Damages at 6)

In the instant motion for reconsideration filed March 17, 2006,<sup>1</sup> the Defendant argues that, though it intended to seek an order setting aside the default itself as well as the default judgment,

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<sup>1</sup>According to the docket, the Plaintiff, Robert E. ("Bob") Given, d/b/a R.J.R. Management, LLC, has not responded to the motion, although the time for such response has long expired.

this Court may, nonetheless, now grant it relief from the entry of default and that such relief is appropriate. Indeed, Rule 55(c) of the Federal Rules of Civil Procedure provides that, "[f]or good cause shown the court may set aside an entry of default . . ." In reviewing the report, it appears to the Court that it was the opinion of the magistrate judge that the entry of default should be set aside. As the Court is in agreement therewith, and for good cause shown, the entry of default is hereby SET ASIDE. Accordingly, the motion for reconsideration is GRANTED, the order of reference for damages hearing is VACATED and the Defendant is hereby permitted to file an answer in this matter, such filing to occur within 30 days of the entry of this order.

IT IS SO ORDERED this 29th day of September, 2006.

s/ J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE